

**Congress of the United States**  
**Washington, DC 20515**

December 10, 2018

Samantha Deshommes, Chief  
Regulatory Coordination Division, Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
20 Massachusetts Avenue NW  
Washington, DC 20529-2140

**Re: DHS Docket No. USCIS-2010-0012, RIN 1615-AA22, Comments in Response to  
Proposed Rulemaking: Inadmissibility on Public Charge Grounds**

Dear Ms. Deshommes:

As members of the Congressional Hispanic Caucus, we write in strong opposition to the Department of Homeland Security's (DHS) Notice of Proposed Rulemaking regarding changes to "public charge." By drastically redefining public charge, this proposed rule would cause tremendous harm to immigrants, their families, and their loved ones. If put into effect, this new policy would force mothers, children, and families to choose between essential lifeline programs like the Supplemental Nutrition Assistance Program (SNAP) and their immigration status. We urge this rule to be withdrawn in its entirety.

Of particular concern to our Caucus is the effect this proposed rule will have on Latino communities and all communities of color. Of the almost 26 million individuals who would potentially be impacted by this rule, approximately 90 percent (23.2 million) are people of color, 70 percent (18.3 million) of whom are Latino, which is approximately 33 percent of all Latinos in the U.S.<sup>1</sup> Among Latino children, who account for a quarter of all U.S. children, the majority (52 percent) have at least one immigrant parent.<sup>2</sup>

Latinos continue to make great strides in contributing to the economy, to which they are projected to contribute \$1.7 trillion to the economy by 2020.<sup>3</sup> Latinos have become entrepreneurs at a faster rate than all other racial and ethnic groups, with Latinas being the fastest growing group of small business owners. Despite these economic gains, like other Americans, some Latinos are struggling to meet basic needs. That is why programs like SNAP and Medicaid are critical for some communities. Twenty-one percent of Latino households received SNAP in the last year;<sup>4</sup> approximately 32 percent of Latinos are covered by Medicaid;<sup>5</sup> and approximately

---

<sup>1</sup> 2012-2016 5-Year American Community Survey Public Use Microdata Sample (ACS/PUMS); 2012-2016 5-Year American Community Survey (ACS) estimates accessed via American FactFinder; Missouri Census Data Center (MCDC) MABLE PUMA-County Crosswalk. Custom Tabulation by Manatt health, 9/30/2018. Found online at <https://www.manatt.com/Insights/Articles/2018/Public-Charge-Rule-Potentially-Chilled-Population>.

<sup>2</sup> Richard Fry and Jeffrey S. Passel "Latino Children: A Majority Are U.S.-Born Offspring of Immigrants" (Washington, DC: Pew Research Center, 2009) <http://www.pewhispanic.org/2009/05/28/latino-children-a-majority-are-us-born-offspring-of-immigrants/>.

<sup>3</sup> <https://www.jec.senate.gov/public/cache/files/54cddcb4-7f94-4322-8f69-ba69266dca38/2017-updated-the-economic-state-of-the-latino-community-in-america.pdf>

<sup>4</sup> UnidosUS tabulation of 2017 Current Population Survey, Annual Social and Economic Supplement.

<sup>5</sup> UnidosUS tabulation of 2017 Current Population Survey, Annual Social and Economic Supplement.

740,000 Latino households received federal rental assistance in 2015.<sup>6</sup> With the short-term assistance of these programs, millions of Latinos were able to lift themselves out of poverty and deep poverty.<sup>7</sup>

This proposed rule would affect a wide swath of immigrants and their families, including U.S. citizen children with immigrant parents. Should this rule be finalized, we expect to see immigrant parents forgoing critical food and health services for themselves and their children in order to avoid a public charge determination. Depriving children of much needed nutrition and health care services would lead to a host of issues, including poor health outcomes and increased health care costs.<sup>8</sup> This should not be the desired outcome of this proposed rule, yet that will likely be one of a host of consequences if this rule were enacted. Additionally, the proposed rule would likely reduce legal immigration by creating barriers for individuals seeking to reunify family members in a legal manner. It would create a multitude of ways for individuals to fail the public charge test, and very few ways to overcome it.

Finally, in dramatically redefining the public charge test, this rule abandons the original and enduring intent of Congress for public charge to be a person who relies on the government as their main source of support, altering it to include anyone who supplements a low income by utilizing basic needs programs for health care, nutrition or housing. Such changes have never been the intent of Congress and would alter 135 years of Congressional precedent.

For these reasons, the Department of Homeland Security should immediately withdraw this proposal, which would dramatically reinterpret the “public charge” ground of inadmissibility and harm immigrant children and families.

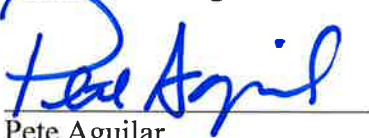
Sincerely,



Adriano Espaillat  
Freshman Representative  
Member of Congress



Joaquin Castro  
Chair-Elect  
Member of Congress



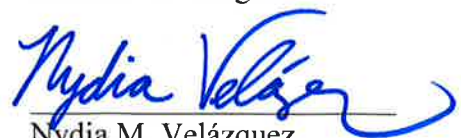
Pete Aguilar  
Whip  
Member of Congress



Michelle Lujan Grisham  
Chair  
Member of Congress



Ruben Gallego  
2<sup>nd</sup> Vice-Chair  
Member of Congress





Nydia M. Velázquez  
Member of Congress

<sup>6</sup> Center on Budget and Policy Priorities tabulation of Department of Housing and Urban Development (HUD) 2016 administrative data, produced by arrangement with HUD.

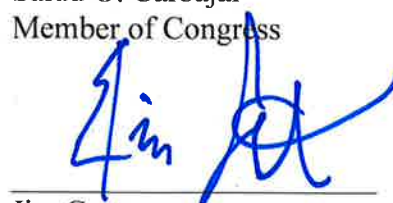
<sup>7</sup> <https://www.cbpp.org/snap-lifted-millions-of-latinos-out-of-poverty-and-deep-poverty-in-2014>

<sup>8</sup> <https://www.healthaffairs.org/doi/10.1377/hblog20180927.100295/full/>.

  
Juan Vargas  
Member of Congress


  
Salud O. Carbajal  
Member of Congress


  
Grace F. Napolitano  
Member of Congress


  
Jim Costa  
Member of Congress


  
Vicente Gonzalez  
Member of Congress

  
Filemon Vela  
Member of Congress


  
Raúl M. Grijalva  
Member of Congress

  
Luis V. Gutiérrez  
Member of Congress

  
J. Luis Correa  
Member of Congress


  
Nanette Diaz Barragán  
Member of Congress

  
Jimmy Gomez  
Member of Congress

  
Darren Soto  
Member of Congress

  
Norma J. Torres  
Member of Congress

  
Linda T. Sánchez  
Member of Congress

  
Tony Cárdenas  
Member of Congress

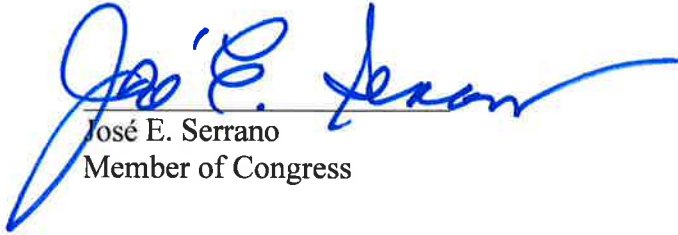
  
Albio Sires  
Member of Congress



Gregorio Kilili Camacho Sablan  
Member of Congress



Lucille Roybal-Allard  
Member of Congress



José E. Serrano  
Member of Congress



Ben Ray Lujan  
Member of Congress



Raul Ruiz  
Member of Congress